

**REMARKS**

Claims 1-14 and 21 are pending; claims 15-20 are canceled; and claims 22-26 are newly presented for consideration. In the office action mailed July 29, 2009, claims 1 and 6 were objected to because of various informalities set forth on page 2 of the office action. Claims 1-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yianilos in view of U.S. patent 6,401,104 to LaRue et al. Claim 21 was rejected under 35 U.S.C. §103(a) because of Yianilos.

The office action made the rejections final. This amendment and response is therefore submitted under the provisions of 37 C.F.R. §1.114, i.e., with a Request for Continued Examination. New claims 22-26 are also being submitted for examination. The Commissioner is authorized to charge the Kelly & Krause deposit account 50-4515 fees that might be required to have this amendment entered and considered.

The claim informalities that are objected to by the Examiner were of a minor nature and are not repeated here in the interest of brevity. The typographical errors that triggered the objections have been corrected as suggested by the Examiner. The objections are therefore believed overcome.

The claim rejections are believed to be traversed by the amendments made to independent claims 1 and 21. Paraphrased, independent claims 1 and 21 now recite that the databases are formed of an extensible mark-up language or “XML.” Applicant notes that although the claims are modified, Applicant does not surrender the subject matter of prior versions of the claims nor any subject matter disclosed in the Application.

Support for amending the claims to require the databases to be XML-format can be found on lines 2 and 3 of page 10. No new matter has been added.

In rejecting the claims under §103, the Examiner combined the teachings of a database synchronization method disclosed in Yianilos with another method of synchronizing wireless databases disclosed in LaRue. Without admitting that Yianilos and LaRue make the claims obvious, the Applicant contends that both prior art references disclose synchronization methods that apply only to relational databases. The amended claims on the other hand are directed to a method and apparatus for synchronizing XML databases.

Yianilos is replete with database descriptions that infer a relational database. In paragraph [0020], Yianilos states that “[l]arge databases and other complex data structures... often have certain invariants **to be preserved at all times for the data to make sense**” (Emphasis added.) Paragraphs [0029] - [0037] et al., describe how data is stored in fixed-size blocks. The first limitation of Yianilos’ claim 1 requires “block-oriented storage abstraction.” In LaRue, lines 57-65 describe part of an exemplary architecture and state that an Oracle relational database is used.

The Applicant’s amendments to the independent claims traverse the claim rejections under §103(a) because no reference or combination of cited references show or suggest the use of XML databases in a network and a mobile device as the amended claims require. None of the references show or suggest how to synchronize XML databases as the amended claims also now require.

The XML databases recited in the Applicant’s claims are inherently platform independent. They imbue the Applicant’s synchronization methodology with the ability to synchronize databases in mobile devices made by different manufacturers. Unlike an XML database, a relational database that is required by Yianilos and LaRue are inherently platform dependent. The amended claims therefore recite subject matter that is both novel and believed to be non-obvious.

Application No. 10/772,478  
Amendment dated October 29, 2009  
Reply to Office Action of July 29, 2009

In addition to amending the pending claims, new claims 22-26 presented by this response are directed to subject matter believed to be new and non-obvious. Paraphrased, new claims 21-26 recite that the hash information is on a per-record basis and comprises a hash of the key fields of the record and a hash of the record field. Support for this claim limitation can be found in the specification in at least paragraph [0053].

The new claims also recite piggybacking data on fetch requests for a data record. Support for this limitation can be found in at least paragraph [0050].

Finally, the new claims recite that the requested data goes across multiple databases on the handheld or mobile device. Support for this limitation can be found in at least paragraph [0047].

No new matter has been added by the new claims. Additional support for the new claims can be found in at least paragraphs (0048) - (0051).

The applicant contends that amended claims traverse the rejections and that the new claims recite subject matter that is both novel and non-obvious over references cited by the Examiner. Reconsideration of the new claims along with the amended claims is respectfully requested.

Respectfully submitted,

/ Robert H. Kelly /

---

KELLY & KRAUSE, L.P.  
6600 LBJ Freeway, Suite 275  
Dallas, Texas 75240  
Telephone: (214) 446-6684  
Fax: (214) 446-6692

Robert H. Kelly,  
Reg. No. 33,922